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REMARKS

Claims 1-6 are currently pending in the subject application and are presently under consideration. Claims 1 and 3 have been amended as shown on pp. 2-3 of the Reply. Claim 2 has been canceled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1 and 3 Under 35 U.S.C. §103(a)

Claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Guo *et al.* (US Patent 6,377,972) in view of Rexford *et al.* (US Patent 6,633,544). Guo *et al.* and Rexford *et al.*, individually or in combination, do not teach or suggest each and every limitation as recited in the subject claims.

To reject claims in an application under §103, an examiner must show an unrebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject invention works with network standards on any operating system and provides a mechanism for searching for a solution that is directed by user requirements, end-to-end latency requirements, data formats, buses, gateways, control protocols, timing and synchronization, local streaming and resource availability. More particularly, independent claim 1 recites a method for connecting a plurality of streaming nodes in a streaming graph in a network environment comprising the steps of: *determining a set of connection constraints for a connection between streaming nodes; selecting at least one performance parameter to optimize for the streaming graph; connecting the streaming nodes if the set of connection constraints is satisfied; optimizing the at least one performance parameter; and determining if each*

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streaming node resides on a first bus; for each streaming node that resides on a second bus: determining if at least one first gateway exists to connect the first bus to the second bus; and if at least one first gateway exists: connecting the first bus and the second bus to the first gateway if the set of connection constraints is satisfied. Guo *et al.* and Rexford *et al.*, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Guo *et al.* teaches a method to support live and on-demand streaming multimedia using Helper machines. A Helper machine is a machine in a network that provides value-added services such as caching services and prefetching services. When a request for a continuous media object is received at a Helper, the Helper makes a decision as to the location from which the requested data will be obtained. The Helper then determines if a new data stream is to be established or to share an existing stream. (See col. 1, lines 40-56). As indicated by the Examiner's allowance of applicants' claim 2, Guo *et al.* fails to teach or suggest a method of connecting a plurality of streaming nodes in a streaming graph in a network environment, comprising *determining if each streaming node resides on a first bus; for each streaming node that resides on a second bus: determining if at least one first gateway exists to connect the first bus to the second bus; and if at least one first gateway exists: connecting the first bus and the second bus to the first gateway if the set of connection constraints is satisfied* as now taught in independent claim 1.

Rexford *et al.* does not make up for the aforementioned deficiencies of Guo *et al.* with respect to independent claim 1 (which claim 3 depends there from). Rexford *et al.* teaches a method and apparatus for computing, storing, and allocating efficient minimum cost routing connections between nodes in a network. The system of Rexford *et al.* also provides an extension to Dijkstra's algorithm coupled with discretized link costs to generate a shortest-path graph with one or more routes to each destination. (See col. 5, line 65-col. 6, line 15). Rexford *et al.* is silent with respect to *determining if each streaming node resides on a first bus; ...determining if at least one first gateway exists to connect the first bus to the second bus; and... connecting the first bus and the second bus to the first gateway if the set of connection constraints is satisfied.* Accordingly, Rexford *et al.* does not teach or suggest each and every limitation as recited in independent claim 1.

In view of the aforementioned deficiencies of Guo *et al.* and Rexford *et al.* it is respectfully submitted that this rejection be withdrawn with respect to independent claim 1 (which claim 3 depends there from). Accordingly, it is respectfully requested that these claims be deemed allowable.

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II. Rejection of Claims 1-6 Under Obviousness-type Double Patenting

Claims 1-6 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5, 6, 7 and 4 respectively of U.S. Patent No. 6,766,407 (Lisitsa *et al.*). A terminal disclaimer with respect to U.S. Patent No. 6,766,407 is enclosed. Accordingly, this rejection is moot and should be withdrawn.

III. Allowable Subject Matter

Claims 2 and 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 1 has been amended to incorporate the limitations of claim 2 and claim 2 has been canceled.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP1366USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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